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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2611-372*

12 **DONNA MARIE JULIO, AKA DONNA**
13 **MARIE SMITH**
14 **735 NW 89th Avenue**
15 **Plantation, FL 33324**
16 **Registered Nurse License No. 751240**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about June 3, 2009, the Board of Registered Nursing issued Registered Nurse
23 License Number 751240 to Donna Marie Julio, aka Donna Marie Smith ("Respondent"). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
28 Department of Consumer Affairs, under the authority of the following laws. All section
references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the State of Florida Board of Nursing)**

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the State
5 of Florida Board of Nursing ("Florida Board") for being unable to practice nursing with
6 reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or
7 chemicals or any other type of material or as a result of a mental or physical condition.

8 10. On or about March 3, 2010, pursuant to the Final Order adopted by the Florida
9 Board, in the disciplinary action entitled *Department of Health v. Donna Marie Julio*, the Florida
10 Board formally reprimanded Respondent's Registered Nurse license and ordered Respondent to
11 pay fines in the amount of \$2,768.30. Further, Respondent's Registered Nurse license was
12 revoked until Respondent entered into the Intervention Project for Nurses.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
16 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
17 particularly described in paragraph 10, above, and herein incorporated by reference.

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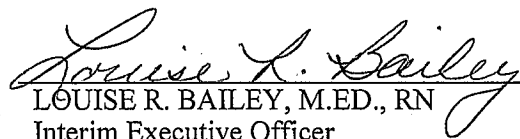
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 751240, issued to Donna Marie Julio, aka Donna Marie Smith;
2. Ordering Donna Marie Julio, aka Donna Marie Smith, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: October 25, 2010


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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